

ATTACHMENT 9

Findings and Order of the Airport Land Use Commission



COUNTY OF LOS ANGELES
AIRPORT LAND USE COMMISSION

December 10, 2014

Los Angeles County Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Dear Connie Chung:

**LOS ANGELES COUNTY GENERAL PLAN 2035
PROJECT NO. R2014-01546(1-5)
AVIATION CASE NO. 201400002**

On December 10, 2014, the Airport Land Use Commission (ALUC) conducted a public hearing relating to the above referenced project for consistency with the adopted Los Angeles County Airport Land Use Plan (ALUP) and General William J. Fox Airfield Land Use Compatibility Plan (Fox ALUCP). The ALUC found the project consistent with the ALUP and Fox ALUCP. Enclosed for your reference is a copy of the ALUC's final Findings.

If you have any questions regarding this matter, please contact Dean Edwards at (213) 974-6425 or via email at dedwards@planning.lacounty.gov, between 7:30 am and 5:30 PM, Monday through Thursday. Our office is closed on Fridays.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner
Director

Carmen Sainz, Supervising Regional Planner
Community Studies East Section

Enclosure: Findings of the Airport Land Use Commission

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**FINDINGS AND ORDER OF THE AIRPORT LAND USE COMMISSION
COUNTY OF LOS ANGELES
LOS ANGELES COUNTY GENERAL PLAN 2035
PROJECT NO. R2014-01546-(1-5)
AVIATION CASE NO. 201400002**

HEARING DATE: December 10, 2014

SYNOPSIS

The Airport Land Use Commission (ALUC) is conducting a consistency review of the Los Angeles County General Plan Update (General Plan), with associated land use and zone changes, and amendments to Title 22 of the Los Angeles County (County) Code. ALUC review is necessary because the General Plan affects property within the ALUC's planning boundaries, also known as the Airport Influence Areas (AIA) surrounding the fifteen airports in Los Angeles County.

ALUC's consistency determination focuses on how the General Plan's proposed zone and land use changes as well as amendments to Title 22 relate to the policies contained in the Los Angeles County Airport Land Use Plan (ALUP) and the General William J. Fox Airfield Land Use Compatibility Plan (Fox ALUCP).

PROCEEDINGS

A duly noticed public hearing before the ALUC was held on December 10, 2014. Staff presented the project and recommendation to the ALUC. There being no public testimony, the ALUC, without further discussion, closed the public hearing and determined the General Plan and its components consistent with the ALUP and Fox ALUCP.

FINDINGS

1. The State Aeronautics Act Section 21670, et seq. of the California Public Utilities Code ("PUC") requires every county in which there is an airport served by a scheduled airline to establish an Airport Land Use Commission.
2. Pursuant to Section 21670.2 of the PUC, the Los Angeles County Regional Planning Commission has the responsibility for acting as the Airport Land Use Commission for Los Angeles County and thereby coordinating the airport planning of public agencies within the County.
3. Pursuant to Section 21670(a)(1) of the PUC the purpose of the State Aeronautics Act is to provide for the orderly development of each public use airport and the area surrounding these airports and to prevent the creation of new noise and safety problems.
4. Pursuant to Section 21674 of the PUC, the powers and duties of an Airport Land Use Commission include: assisting local agencies in ensuring compatible land uses in the vicinity of new and existing airports; coordinating planning at the state, regional and local levels so as to provide for the orderly development of air transportation; preparing and adopting Airport Land Use Compatibility Plans; and reviewing plans of local agencies to determine whether such plans are consistent with the applicable Airport Land use Compatibility Plan.
5. Pursuant to Sections 21670(a)(2) and 21674(a), the ALUC has no authority over existing land uses regardless of whether such uses are incompatible with airport activities.
6. On December 19, 1991 the Los Angeles County ALUC approved and adopted the Los Angeles County Airport Land Use Plan, also known as the Airport Land Use Compatibility Plan (ALUCP), and subsequent amendment was made in 2004, hence adopting the Review Procedures.
7. The ALUP provides for the orderly development of Los Angeles County's public use airports and the area surrounding them. The ALUP contains policies and criteria, Community Noise Equivalent Level ("CNEL") contours that minimize the public's exposure to excessive noise and safety hazards.

8. On December 1, 2004, the Los Angeles County ALUC adopted the General William J. Fox Airfield Land Use Compatibility Plan for General William J. Fox Airfield (Fox Airfield). The Fox ALUCP sets forth policies, a planning boundary, intensity and density criteria for promoting compatibility between the airport and the surrounding land uses.
9. Pursuant to Sections 21674(d), 21676(b), 21672(c), 21661.5, 21664.5(a), and 21664.5(b) of the PUC, the County ALUC has the responsibility to review for consistency with the ALUP, airport master plans, specific plans, general plan amendments and zoning ordinances for consistency with the adopted ALUP, before final action is taken by the local agency.
10. In compliance with California Environmental Quality Act reporting requirements, a Final Environmental Impact Report (FEIR) was prepared for the Los Angeles County General Plan Update. The FEIR has identified the following significant and unavoidable adverse impacts that would result from implementation of the proposed project: agricultural resources, air quality, biological resources, cultural resources, greenhouse gas emissions, mineral resources, noise, transportation/traffic and utilities/service systems. Approval of the General Plan by the Board of Supervisors body requires adoption of Statement of Overriding Considerations that states that benefits of the project outweigh the adverse effects and therefore, the adverse effects are considered to be acceptable.
11. Los Angeles International Airport ("LAX") is one of fifteen public use airports in the County whose land use compatibility policies and programs are contained within the adopted ALUP. Most of the land use and zone changes proposed as part of the General Plan affects parcels within the AIA of LAX.
12. Land Use Policy LU 6.6, states, "Ensure airport operation compatibility with adjacent land uses through airport land use plans." This policy is implemented by Implementation Program number LU-3 which states, "Develop the County's airport land use compatibility plans." Although Policy LU 6.6 does not conflict with the ALUP policies, it is vague and implies that airports should be made compatible with adjacent land uses instead of adjacent land uses being compatible with airports. The applicant has agreed to revise the policy to, "Ensure that proposed land uses located within Airport Influence Areas are compatible with airport operations through compliance with Airport Land Use Compatibility Plans."
13. Parcels located within the AIA with proposed land use designation changes were analyzed for compliance with ALUP Policy G-1 which identifies allowable uses by Community Noise Equivalent Level (CNEL). After excluding land use designation changes that reflect existing uses in compliance with Review Procedures Section 3.2.1.b, three parcels (assessor parcel number 4038-022-016, 4038-022-025 and 4038-022-026) were identified within the 75 CNEL with proposed lands uses that were inconsistent with Compatibility Table which states that commercial uses should be avoided unless the use is airport related. The property is surrounded by residential and commercial uses and separated from the airport by the 405 Freeway. Therefore, it is not the optimal location for airport services. Section 3.3.7 of the Review Procedures allows certain exceptions for specific situations where a normally incompatible use can be considered compatible because of terrain, specific location, or other extraordinary factors or circumstances related to the site or its proposed use. The only acceptable uses identified by the Compatibility Table are industrial and agriculture. Industrial is not an appropriate use for the location because it is not compatible with the surrounding existing land uses. Agriculture is not appropriate either, because the area is urbanized and agriculture would not be compatible with the surrounding land uses. Additionally, Federal Airport Noise Regulation 150 identifies commercial land uses as compatible within the 75 CNEL if the uses are insulated for noise. Therefore, with noise insulation, the proposed land use designation of General Commercial is appropriate for this specific of location in accordance with Section 3.3.7 of the Review Procedures.
14. The Land Use Element's policies and proposed land use designations are consistent with the ALUP.

15. ALUP Policy G-I requires new uses to adhere to the Land Use Compatibility Chart.
16. Only one Mobility Element policy is related to airports. Policy M 6.6 states, "Preserve property for planned roadway and railroad rights-of-way, marine and air terminals, and other needed transportation facilities." Preserving property for air terminals does not conflict with any ALUP policies.
17. Five General Plan noise policies are directly related to airport and support the noise policies in the ALUP. Those policies are N1.2, N1.3, N1.5, N1.7 and N1.12. Said policies were analyzed and found consistent with the ALUP.
18. The ALUP's safety policies are intended to protect people and property on the ground through runway protection zones and to prevent hazards that could interfere with flights, while the Safety Element policies pertain to seismic and geotechnical hazards, flood and inundation hazards, wild fires and emergency response. Since the safety element has no policies directly related to airports, the element is consistent with safety policies of the ALUP.
19. The Implementation Program (Program) is a component of the General Plan and is therefore subject to ALUC review. The Program includes the following projects: Significant Ecological Area (SEA) Program Ordinance Update; Hillside Management Area (HMA) Ordinance Update; Community Climate Action Plan (CCAP); and Zoning Consistency Program ordinance.
20. The SEA and HMA ordinances will only revise County Code that is intended to protect biota and hillsides, and will not increase the public's exposure to airport noise or safety hazards, nor interfere with airport operations by adversely affecting adjacent land uses, and are therefore consistent with the policies of the ALUP.
21. The CCAP includes transportation actions to reduce Green House Gas (GHG) emissions but airports, a transportation mode, are not mentioned in those actions, therefore, the CCAP does not conflict with the ALUP.
22. The Industrial Preservation (IP) Zone prohibits uses not compatible with industrial zoned property and therefore will not be in conflict with the policies of the ALUP.
23. The Zoning Consistency Program (ZCP) ordinance amends the Zoning Map, and Title 22 to establish new zones, revise existing zones, eliminate zones, and modify zone nomenclature.
24. The Zoning Map is a parcel specific map that graphically depicts the zones identified in Title 22 of the County Code. The Zoning Consistency Program ordinance will update the map to make it consistent with the proposed land use designations.
25. The Industrial Preservation (IP) Zone is a combining zone to pair with certain industrial zones. The zone is intended to preserve industrially-zoned properties specifically for current and future industrial uses, labor-intensive activities, wholesale sales of goods manufactured on-site, major centers of employment, and limited employee-serving commercial uses. The combining zone serves to expressly prohibit uses that do not align with the purpose of this zone. Forty (40) parcels and approximately fifteen (15) acres within the LAX AIA are proposed to be zoned IP. Since the zone only prohibits uses not compatible with industrial zoned property, property zoned IP will not be in conflict with the policies of the ALUP.
26. The High Density Multiple Residence (R-5) zone provides areas for maximum density residential development and implements the Residential 100 and Residential 150 land use categories of the General Plan. The zone allows for all types of multifamily housing at various densities up to 150 dwelling units per net acre. Since no property within the AIA of any airport is proposed to be rezoned to R-5, there is no conflict with the policies of the ALUP or Fox ALUCP.
27. The Major Commercial (C-MJ) zone provides for regional scale commercial and recreation uses, hotels, multi-family residential and residential commercial mixed uses. No property within the LAX AIA is proposed to be zoned C-MJ and therefore the establishment of the zone is not in conflict with the policies of the ALUP.

28. The Mixed Use (MXD) zone is proposed to be rescinded in its entirety from Title 22 and replaced with a revised zone that provides a mixture of residential, commercial, and limited light industrial uses and buildings in close proximity to bus and rail transit stations. The zone integrates a wide range of housing densities with community-serving commercial uses to serve local residents, employees, pedestrians and consumers. Additionally, the zone encourages compact development to promote walking, bicycling, recreation, transit use and community reinvestment, to reduce energy consumption, and to offer opportunities for employment and consumer activities in close proximity to residences. There are two parcels (.31 acres) that the LAX AIA intersects and are proposed to be zoned to MXD. Since the properties are located outside the CNEs, they are consistent with the ALUP land use compatibility table as required by ALUP Policy G-1. The properties are also outside the Runway Protection Zones (RPZ) and therefore would not conflict with ALUP safety policies that are related to RPZs.
29. No uses were identified in the revised MXD zone that may generate electrical interference, direct a steady or flashing light, attract large concentrations of birds or emit smoke. Therefore, the zone is consistent with ALUP Policies S-5 and S-6 which prohibit such uses that would create the aforementioned safety hazards.
30. The MXD zone's maximum height is 65 feet, excluding chimneys, antennas and rooftop recreational spaces. ALUP Policy S-7 requires compliance with height restrictions of Federal Aviation Regulations (FAR) Part 77 which identifies an obstruction as a minimum of 200 feet high within 3 nautical miles of an airport. The MXD height limit is considerably less and is therefore consistent with ALUP Policy S-7.
31. The industrial zones are proposed to be rescinded and replaced in their entirety to be consistent with the updated zoning structure. The following industrial zones are proposed to be located within the LAX AIA: Light Manufacturing (M-1), Restricted Heavy Manufacturing (M-1.5) and Manufacturing – Industrial Planned Zone. Forty-two (42) parcels consisting of approximately twenty-one (21) acres are proposed to be zoned M-1, M-1.5 and MPD. Industrial zones are the least restrictive zones and therefore allow many uses that may be inconsistent with ALUP policies. A review process will ensure that proposed uses will be consistent with ALUP policies.
32. The Unlimited Manufacturing (M-4) and the Arts and Crafts (A-C) zones are proposed to be eliminated. The elimination of zones does not conflict with ALUP policies.
33. The nomenclatures of certain zones are proposed to be modified. Changing the name of zones does not conflict with the ALUP policies.
34. Section 3.2.2 of the Review Procedures states that "even if the land use designations in a general plan have been deemed consistent with the applicable ALUP or compatibility plan, evaluation of the proposed development relative to the land use designations alone is usually insufficient because general plans typically do not contain the detailed airport land use compatibility criteria necessary for a complete compatibility evaluation of proposed development." Therefore, the Review Procedures require that "provisions must be made for evaluation of proposed land use development situated within an Airport Influence Area relative to the compatibility criteria set for in the respective compatibility plan." A review process was not included in the General Plan.
35. A component of the General Plan is the Antelope Valley Area Plan Update (AVAP) with associated land use and zone changes, amendment to the Significant Ecological Area boundaries, and amendments to Title 22 of the County Code, that were reviewed by the ALUC on October 8, 2014 for a consistency determination.
36. The AVAP affects property within the Airport Influence Areas of United States Air Force Plant 42/Palmdale Regional Airport and General William J. Fox Airfield.
37. On October 8, 2014, ALUC's consistency determination focused on how the AVAP's proposed zone and land use changes relate to the policies contained in the ALUP and the Fox ALUCP.

Based on the foregoing, the Airport Land Use Commission determines: In view of the findings of fact and conclusions presented above, that project presented in Aviation Case No. 201400002 / Project No. R2014-01546-(1-5) is **CONSISTENT** with the Los Angeles County Airport Land Use Plan and General J. William Fox Airfield Land Use Compatibility Plan.

ACTION

Date: December 10, 2014

Vote: 5:0

Concurring: Valadez; Shell; Louie; Pedersen; Modugno

Dissenting: None

Abstaining: None

Absent: None